

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

JANET D. M.,

Case No. 6:21-cv-00725-AR

Plaintiff,

ORDER FOR ATTORNEY FEES
UNDER 42 U.S.C. § 406(B)

v.

COMMISSIONER SOCIAL SECURITY
ADMINISTRATION,

Defendant.

ARMISTEAD, Magistrate Judge

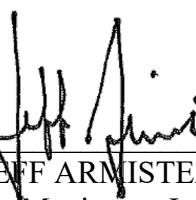
Plaintiff Janet D. M. (last name omitted for privacy) brought this action seeking review of the Commissioner's final decision denying her application for disability benefits under the Social Security Act. The Court reversed the Commissioner's decision, remanded the case for an immediate payment of benefits, and entered an Amended Judgment on May 9, 2023. (ECF Nos. 24, 25.)

Plaintiff now seeks an award of fees permitted under 42 U.S.C. § 406(b). Defendant does not oppose the request. The court has reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the court finds that the requested fees of \$39,830.50 are reasonable.

The court GRANTS Plaintiff's Motion for Attorney Fees under to 42 U.S.C. 406(b) (ECF No. 30), and awards Plaintiff's counsel \$39,830.50 in attorney's fees under 42 U.S.C. § 406(b). Previously, the court awarded Plaintiff's counsel attorney's fees in the amount of \$5,249.74 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the § 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount awarded under the EAJA, and to send the balance of \$34,580.76, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorney, Ari Halpern at HALPERN LAW GROUP, 62910 OB Riley Rd., Ste. 100, Bend, Oregon 97703. Any amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

DATED: October 12, 2023.



JEFF ARMISTEAD
United States Magistrate Judge